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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/987,667

11/15/2001

Naruto Entani

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10/30/2006

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2100 Pennsylvania Avenue, NW
Washington, DC 20037-3213

EXAMINER

CHANDLER, SARA M

ART UNIT

PAPER NUMBER

3693

DATE MAILED: 10/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/987,667	Applicant(s) ENTANI, NARUTO	
	Examiner Sara Chandler	Art Unit 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>6/7/04; 12/19/01</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement filed 06/07/04 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because it fails to provide a concise explanation of the relevance for the references listed that are not in the English language. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it exceeds 150 words.

Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1 and 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luke, US Pat. No. 6,131,087 in view of Grdina, US Pat. No. 6,965,872 and Aarnio, US Pub. No. 2004/0078274.

Re Claims 1: Luke discloses selling price information mediation service method for mediating and supplying, over a network, selling price information including selling prices of a commodity in respective stores and information about the stores, providing at least one information requester terminal that requests selling price information, a plurality of information provider terminals that provide selling price information, and a management server that is an information processing apparatus and mediates selling

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price information, said information requester terminal, said information provider terminals, and said management server being connected to a network (Luke, Fig. 1, abstract; col. 4, lines 4-61; col. 5, lines 15+ - col. 6, lines 20).

Luke fails to explicitly disclose a method comprising the steps of:

receiving, from said information requester terminal, an information request that requests selling price information about a commodity, and communicating the information request to the information providers;

collecting pieces of selling price information that are received from part of said information provider terminals and match the information request, and generating collected selling price information that matches the information request;

supplying the collected selling price information to said information requester terminal, and charging said information requester terminal a prescribed information supply fee and mediation commission;

and performing processing for paying a prescribed informer fee to the part of said information provider terminals that provided the pieces of selling price information that match the information request.

Grdina discloses a method comprising the steps of:

receiving, from said information requester terminal, an information request that requests selling price information about a commodity, and communicating the information request to the information providers (Grdina, abstract; col. 3, lines 4-28; col. 3, lines 29-46; col. 6, lines 22-30);

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collecting pieces of selling price information that are received from part of said information provider terminals and match the information request, and generating collected selling price information that matches the information request (Grdina, abstract; col. 3, lines 29-46; col. 6, lines 22-30);

supplying the collected selling price information to said information requester terminal (Grdina, abstract; col. 3, lines 29-46; col. 6, lines 22-30; col. 7, lines 25-28;);

and performing processing for paying a prescribed informer fee to the part of said information provider terminals that provided the pieces of selling price information that match the information request (Grdina, abstract, Figs. 2, 5, 12; col. 8, lines 9-13; col. 8, lines 42-50; col. 12, lines 15-20; col. 12, lines 45-50).

Grdina discloses a method comprising the step of:

charging said information requester terminal a prescribed information supply fee and mediation commission.

Aarnio discloses a method comprising the step of:

charging said information requester terminal a prescribed information supply fee and mediation commission (Aarnio, abstract, Fig. 3; [0023]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Luke by adopting the teachings of Grdina and Aarnio to provide a selling price information mediation service method for mediating and supplying, over a network, selling price information including selling prices of a commodity in respective stores and information about the stores, providing at least one information requester terminal that requests selling price information, a

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plurality of information provider terminals that provide selling price information, and a management server that is an information processing apparatus and mediates selling price information, said information requester terminal, said information provider terminals, and said management server being connected to a network, wherein said management server comprises the steps of: receiving, from said information requester terminal, an information request that requests selling price information about a commodity, and communicating the information request to the information providers; collecting pieces of selling price information that are received from part of said information provider terminals and match the information request, and generating collected selling price information that matches the information request; supplying the collected selling price information to said information requester terminal, and charging said information requester terminal a prescribed information supply fee and mediation commission; and performing processing for paying a prescribed informer fee to the part of said information provider terminals that provided the pieces of selling price information that match the information request.

As suggested by Grdina, one would have been motivated to aid consumers of goods/services in finding them at convenient and/or nearby locations; help consumers find the best price based on their own subjective factors; provide retailers with a low cost media for communicating with consumers; allow retailers to collect better information about their consumers and competitors; and to allow payment for services provided. As suggested by Aarnio, one would have been motivated to allow payment for services provided.

Re Claim 4: Luke discloses a selling price information mediation service method, wherein the request information includes information of a limit selling price of the commodity, and said management server further comprises the step of supplying said information requester terminal with only pieces of selling price information With selling prices each of that is at most the limit selling price (Luke, Fig. 1a; abstract; col. 5, lines 53+ - col. 6, line 11; col. 6, line 56+ - col. 7, line 13).

Re Claim 5: Luke fails to explicitly disclose a selling price information mediation service method, wherein the request information includes information indicating a restrictive area where an information requester at said information requester terminal can buy the commodity, end said management server further comprises the step of supplying said information requester terminal with only pieces of selling price information of stores located in the restrictive area. Grdina discloses a selling price information mediation service method, wherein the request information includes information indicating a restrictive area where an information requester at said information requester terminal can buy the commodity, end said management server further comprises the step of supplying said information requester terminal with only pieces of selling price information of stores located in the restrictive area (Grdina, abstract; col. 1, lines 24-27;

col. 3, lines 4-11; col. 3, lines 42-46; col. 6, lines 22-30; col. 7, lines 25-28). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Luke by adopting the teachings of Grdina and Aarnio to provide a selling price information mediation service method, wherein the request information includes information indicating a restrictive area where an information

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requester at said information requester terminal can buy the commodity, end said management server further comprises the step of supplying said information requester terminal with only pieces of selling price information of stores located in the restrictive area. As suggested by Grdina, one would have been motivated to aid consumers of goods/services in finding them at convenient and/or nearby locations; help consumers find the best price based on their own subjective factors; provide retailers with a low cost media for communicating with consumers; allow retailers to collect better information about their consumers and competitors; and to allow payment for services provided.

Re Claim 6: Luke fails to explicitly disclose a selling price information mediation service method, wherein said management server further comprises the step of supplying said information requester terminal with part of the collected selling price information that excludes information about stores before supplying the collected selling price information to said information requester terminal. Grdina discloses a selling price information mediation service method, wherein said management server further comprises the step of supplying said information requester terminal with part of the collected selling price information that excludes information about stores before supplying the collected selling price information to said information requester terminal (Grdina, abstract; col. 3, lines 29-46; col. 6, lines 22-30; col. 7, lines 25-28;). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Luke by adopting the teachings of Grdina and Aarnio to provide a selling price information mediation service method, wherein said management

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server further comprises the step of supplying said information requester terminal with part of the collected selling price information that excludes information about stores before supplying the collected selling price information to said information requester terminal. As suggested by Grdina, one would have been motivated to aid consumers of goods/services in finding them at convenient and/or nearby locations; help consumers find the best price based on their own subjective factors; provide retailers with a low cost media for communicating with consumers; allow retailers to collect better information about their consumers and competitors; and to allow payment for services provided.

Re Claim 7: Luke fails to explicitly disclose a selling price information mediation service method, wherein said management server further comprises the step of performing processing for paying a prescribed informer fee to only part of said information provider terminals that provided pieces of selling price information with some ones of a lowest selling price and prices close to it after selling the collected selling price information to said information requester terminal. Grdina discloses a selling price information mediation service method, wherein said management server further comprises the step of performing processing for paying a prescribed informer fee to only part of said information provider terminals that provided pieces of selling price information with some ones of a lowest selling price and prices close to it after selling the collected selling price information to said information requester terminal ((Grdina, abstract, Figs. 2,5,12; col. 8, lines 9-13; col. 8, lines 42-50; col. 12, lines 15-20; col. 12, lines 45-50)). It would have been obvious to one of ordinary skill in the art at the time the invention was

made to modify the teachings of Luke by adopting the teachings of Grdina and Aarnio to provide a selling price information mediation service method, wherein said management server further comprises the step of performing processing for paying a prescribed informer fee to only part of said information provider terminals that provided pieces of selling price information with some ones of a lowest selling price and prices close to it after selling the collected selling price information to said information requester terminal. As suggested by Grdina, one would have been motivated to aid consumers of goods/services in finding them at convenient and/or nearby locations; help consumers find the best price based on their own subjective factors; provide retailers with a low cost media for communicating with consumers; allow retailers to collect better information about their consumers and competitors; and to allow payment for services provided.

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luke, Grdina and Aarnio as applied to claims 2 and 3 above, and further in view of Mandler, US Pat. No. 6,785,661.

Re Claims 2: Luke fails to explicitly disclose a selling price information mediation service method, wherein a selling price information mediating service employs a membership system, and said management server further comprises the steps of: registering an information requester at said information requester terminal and information providers at said information provider terminals as members after causing them to clarify their identities; and

identifying a person who has caused a problem by distributing erroneous information upon occurrence of the problem.

Grdina discloses a selling price information mediation service method, wherein a selling price information mediating service employs a membership system, and said management server further comprises the steps of:

registering an information requester at said information requester terminal and information providers at said information provider terminals as members after causing them to clarify their identities (Grdina, abstract, Figs. 2,5,12; col. 8, lines 9-13; col. 8, lines 42-50; col. 12, lines 15-20; col. 12, lines 45-50).

Grdina fails to explicitly disclose a selling price information mediation service method, wherein a selling price information mediating service employs a membership system, and said management server further comprises the steps of:

identifying a person who has caused a problem by distributing erroneous information upon occurrence of the problem.

Mandler discloses a selling price information mediation service method, wherein a selling price information mediating service employs a membership system, and said management server further comprises the steps of:

identifying a person who has caused a problem by distributing erroneous information upon occurrence of the problem (Mandler, Figs. 1A, 1B, 2; col. 1, lines 27-65; col. 8, lines 4-18).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Luke by adopting the teachings of

Grdina, Aarnio and Mandler to provide a selling price information mediation service method, wherein a selling price information mediating service employs a membership system, and said management server further comprises the steps of: registering an information requester at said information requester terminal and information providers at said information provider terminals as members after causing them to clarify their identities; and identifying a person who has caused a problem by distributing erroneous information upon occurrence of the problem.

As suggested by Grdina, one would have been motivated to aid consumers of goods/services in finding them at convenient and/or nearby locations; help consumers find the best price based on their own subjective factors; provide retailers with a low cost media for communicating with consumers; allow retailers to collect better information about their consumers and competitors; and to allow payment for services provided. As suggested by Mandler, one would have be motivated to accommodate users (e.g., information requestors, information providers, buyers, sellers etc.) that may be unfamiliar with one another in a transaction for purposes such as credit requirements, the ability effect a purchase and prior acts of nonperformance.

Re Claim 3: Luke fails to explicitly disclose a selling price information mediation service method, wherein said management server further comprises the step of keeping a history of an information provider who caused a problem and disclosing the history to said information requester terminal. Mandler discloses a selling price information mediation service method, wherein said management server further comprises the step of keeping a history of an information provider who caused a problem and disclosing the

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history to said information requester terminal (Mandler, Figs. 1A, 1B, 2 col. 1, lines 27-65; col. 8, lines 4-18). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Luke by adopting the teachings of Grdina, Aarnio and Mandler to provide a selling price information mediation service method, wherein said management server further comprises the step of keeping a history of an information provider who caused a problem and disclosing the history to said information requester terminal. As suggested by Mandler, one would have been motivated to accommodate users (e.g., information requestors, information providers, buyers, sellers etc.) that may be unfamiliar with one another in a transaction for purposes such as credit requirements, the ability effect a purchase and prior acts of nonperformance.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Verma, US Pat. No. 6,976,006- price comparison for products offered by plurality of merchants.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara Chandler whose telephone number is 571-272-1186. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SMC



JAGDISH N. PATEL
PRIMARY EXAMINER